THE TRIAL

WASHINGTON

ELECTION RIOTERS.

FROM SUTTON'S REPORT.]

TUESDAY, July 28, 1857. CRIMINAL COURT FOR THE COUNTY OF WASHINGTON.

> JUDGE CRAWFORD. Presiding.

PHILIP BARTON KEY, ESQ., U. S. D. A.

COUNSEL FOR THE DEFENCE. JOSEPH H. BRADLEY, SR., ESQ. ROBERT E. SCOTT, ESQ. VESPASIAN ELLIS, ESQ. JOHN A. LINTON, ESQ. WILLIAM J. MARTIN, ESQ. JOSEPH H. BRADLEY, JR., ESQ. DANIEL RATCLIFFE, Esq. FIDWARD C. CARRINGTON, Esq.

[Continuation from Monday's Proceedings.]
Mr. RADCLIFFE. I sppear, your Honor and Gentlemen of the Jury, for Charles Hurdle. The position I occupy is a very delicate, and certainly a very novel one; but I have always held that the lawyer who has not the moral courage to sustain him, in all circumstances in which he may be placed in the discharge of his duty to his client, is unfit for the position which he occupies. We know that questions involved in this enquiry are of a party character, but with those questions in that point of view, I intend to have nothing to do before this tribunal. I stand here to perform a sir gle duty—the duty which a counsel owes to his client. Whatever may be the opinions of the other gentlemen engaged in this case as to the questions in controversy, they have [Continuation from Monday's Proceedings.] case as to the questions in controversy, they have the right to entertain their own views, and to pursue their own course. It is for the counsel representing the respective persons charged with senting the respective persons charged with offences under this indictment, to discharge their duty to the best of their own judgment, on those principles of law which govern the case. I represent this young man, Charles Hurdle, who has been represented to me as an innocent man, and I have come here with the full hope and confidence that we shall be able to show that he was not implicated in the transactions into which it becomes your du y to enquire. I am not here to enter into a discussion as to where the wrong originated, if it exists—as to whether the Executive was right or wrong; I am here to show simply that my client was not implicated in the riot or all my, as the case may be. The ground we occupy is peculiar; we stand upon a narrow is bmu; and I intend to walk the plank so as not to interfere with questions which do not appertain to this defendant.

Our defence is not mixed up with the compli-

cated question as to who was guilty or not guilty on that day. I am not here to enter into an examination of that awful tragedy, which has made an impression on the mind of the community that all the waters of the ocean will never wash away. No, gentlemen, I come but to extricare my client from the embarrassing circum-stances in which he has been placed. I shall show you that he was not there that day, and consequently that he was not implicated in guilt. The question whether there was a riot is a question for

the court and jury. I do not mean to make an issue on that point with my friends.

A riot is an assembling of three or more persons engaged by concert in some enterprise which results in a disturbance of the public peace. That is a question of law, and it will be your duty to the force of this peace of the law. had nothing to do with the disturbance, further than to pe il his own life to save the life of a

respectable follow citizen.

Mr. CARRINGTON, If your Honor please, gentlemen of the jury, I appear for Charles Spener. The case has been so fully opened by the ger tlemen who have preceded me, that I propose to fow remarks at this stage of the proceedings. If I afterwards think it proper to do so, I wid enter more fully into details.

It seems there are several issues presented to you for consideration. First, Whether there was a riot at all on that occasion; and, second—Who was responsible for that disturbance of the public These questions have been elaborately rgued, with others in which these parties are leaply interested. They are especially interested a your solution of the question whether these defendants participated in the transactions of the 1st of June, and whether they amounted to a riot, or to an affray, or to any other offence for which

they are amenable to the laws of the country. innocence, but because he has been submitted to of the others, made a lunge against a man who the shame and mortification of an arrest and a was in the line of voters. I do not know who he trial, under circumstances that are calculated to Gentlemen, we expect to satisfy you, by evidence which will be offered on the part of my client, that the only participation he had in the transactions of that day, was the receiving several severe wounds from musket-shots. He is a young lad of not more than sixteen rears of age, who was present that day, with many others, wishout any other participation than that of being a spectator. He is a youth of unexceptionable character, and is, perhaps, not unknown to some of you, gentlemen of the jury. From the beginning to the end, he was not a participant in retreated. They fired several shots into them, the dist rbance out of which this judicial investi- and as the line of voters gave way and fied, a porgation arose. I assume, with confidence, his in-nocence; but still it is my duty to avail myself of windows, and a number of them began to fire into every ground of defence which the case presents. that pen. Some of the voters there squatted down I not his defence on these positions, that there and sheltered themselves in the best way they was no riot; and secondly, as you are aware, that | could. I went into the middle of the street, and the burden of proof is on the prosecution, if they as I saw there was no chance for me to do any good fail to prove that he was engaged in a riot, he is I retreated about fifty feet below the polls. All entitled to an acquittal at your hands. The mere this was done in a short time. A man there caught fact of a party being present, unless he is guilty of hold of me round the wasit, and calling me by some participation in the affair, does not make name, and telling me that he was my free

I was there part of the day. DISTRICT ATTORNEY. At what hour? WITNESS. I went there in the morning a very

DISTRICE ATTORNEY. How long did you WITNESS. I was there unt'l probably nine or

half-past nine o'clock f.om about seven o'clock. -I returned after the Marines got there.

DISTRICT ATTORNEY. If you saw the riot,

state what you saw.
WITNESS. When I went there in the morning, I think the polls were open, but the Tax Clerk had not arrived. The voting went on slowly until be came. There were a number who desired to pay ing went on regularly until perhaps a little before nine o'clock. Between eight and nine o'clock a body of men arrived on the ground, called the Ping Uglies." They came on in a body, two and two, and halted a little south of the polls, perhaps forty feet from the polls. Some person called my aftention to that party, observing that the "Ping Uglies" had come. They remained in that position for some minutes. I spoke to some of the

police officers who were there, to keep a look out, as we might expect some difficulty. They remained a short time, and then went up above where the polls were held, some distance, I do not know how far. They were out of sight. I understood they went up to the tavern on the corner of New York avenue and Seventh street.

The line of voters was then formed very rapidly, and they voted as fast as they could. They formed in line on the pavement, and thus went up to the window where the votes were recieved. The party of persons called "Plug Uglice" returned in perhaps twenty minutes in increased numbers.—
The number was perhaps doubled.

DISTRICT ATTORNEY. What was the former number?

witness. Eighteen or twenty; there may

witness. Eighteen or twenty; there may have been more or less.

MR. BRADLEY. Were they increased by the addition of "Plug Uglies."

Witness. Some were our own citizens. I did not know them all. I suppose they were not all strangers. They came down in a body, and a portion of them divided from the others. One portion went inside the line of voters next to a fence which enclosed a wood and coal yard, and another sortion came into the street. At that fence which enclosed a wood and coal yard, and another portion came into the street. At that time, or about that time, Mr. Berry and Mr. Marshall Brown came up in a buggy, and asked how we got along. I requested them to go as soon as they could to the City Hall to the Mayor, and tell him to send us every police officer that could be p. asibly raised. We had of the police and auxiliary guard some seven or eight on the ground. I told them to tell the Mayor that the Plug Uglies were there, and I anticipated every minute an attack—that there was a design to attack the line of voters. The Plug Uglies seemed to increase in numbers and turbulence. Mr. Berry and Mr. Brown went away and I did not see them afterwards. The party on the ground continued to in-Brown went away and I did not see them afterwards. The party on the ground continued to increase in violence, and there was some disposition to attack the voters. There was a cry of "fight, fight," raised in the street, as if they wanted to get up a shamfight. I went into the street and endeavored to pacify them. That passed off and I then summoned two or three persons to aid in preserving the peace. There was an evident design to break the peace. Some of those persons I began to talk with. Some I knew and called by name; I remonstrated with them. There were others that I did not know whom I took to be Baltimoreans. I reasoned with them on the impropriety of their conduct. They said they were determined to break the line of voters,

of their conduct. They said they were determined to break the line of voters,
MR. BRADLEY. Is that evidence?
DISTRICT ATTORNEY. Certainly, I intend to show what was said and done and what took place in that disturbance, and then call his attention to the individuals indicted, to show their particular in the said of the said t

cipation in it.
MR. BRADLEY. What was said and done between this witness and others is not evidence, mless it is shown that the defendants were con-DISTRICT ATTORNEY. Certainly, but the

proper order of things is first, to prove that a riot exis ed. That must be proved before it can be shown that the defendants participated in it.

The WITNESS I remonstrated with them when they were swearing that voters should not vote, and that they should be driven off, and that they ought to have been driven off before. In re-monstrating I said that those in the line of voters were saying nothing to anybody, and that if any of them were not entitled to vote they could be hallenged.
DISTRICT ATTORNEY. Who were those

wisons to whom those remonstrances were made?
Mr. BRADLEY. Whether on trial or not?
WITNESS. Is Eggleston on trial?

Mr. BRADLEY. No. WITNESS. Alexander Egglesten made some marks. I called him and talked to him. I do

blood it long enough." It was is others said, "He shall not speak." It was is blistRICT ATTORNEY. Do you know whose their teeth;" "if it had been any where else, they would have been driven off long ago." then made a move up towards the curbstone. I should judge they were one third from the curbstone across the street. They made a more, then, down in a line with the voters, descending to the gutter and to the curbstone. The street is pretty high, and I backed down in front of the body becen them and the line of voters, facing them, and telling them they must keep back; that I was a justice of the peace, and I commanded peace. my sympachies not by any apprehension of his conviction, for I cannot entertain a doubt of his innocence, but because he has been a doubt of his peace. One who seemed to be a little of the innocence, but because he has been a doubt of his peace. was. The voter seemed to brace himself up against the lunge that was made, and the person who made it remarked, "He has got a knife." The voter by bracing himself up against the shove, raised himself, and the man who made the lunge stepped here and said." I he has got a knife." back and said "He has got a knife." the man's hands, but I saw no knife. It seemed to be a signal for a general on-laught. I think his name was McNamara. Then a general onhim guilty of a riot or an aff av.

JOHN H. GUDDARD called and sworn.

DISTRICT ATTORNEY. Mr. Goddard, I will thank you to state to the jury if you were present at the polls of the first precinct of the Fourth Ward and we both came down the street together. We were talking about it as we came down, as a matter of course. It was a great cutrage. He went forward, and I went towards she city Hall to see what arrangements were made to preserve order. I met the Mayor and Capt. Mills, of the Auxillary Guard, in a barouche, going towards the place of disturbance, in E street near 7th, nearly opposite Lawrences. I related to him what had taken place. I returned with them to the polls. I did not see what became of the judges. They were

not there when I got back.
DISTRICT ATTORNEY. You say they made

gone when I got back. Where they were when I left I could not tell. The crowd that made the

WITNESS. I saw men knocked down. I could I saw several knocked down, and the whole line

who were acting in the street with that crowd?
WITNESS. Young Eggleston was one; Wm.

in the crowd, but I did not see him do anything. He was active, moving about, and talking; and I He was talking, but what he said I do not know. DISTRICT ATTORNEY. You say he was ac

ve, talking, and moving about.

Mr. BRADLEY. We object to that evidence.

DISTRICT ATTORNEY. It is clearly evidence. The JUDGE. It is a fact for the jury. WITNESS. I noticed him a minute or

ore the strack, in the crowd.

Mr. BRADLEY. You saw him before; but was Mr. BRADLET. For saw him before; but was he in the crowd that moved to the curb-stone? WITNESS. He was in the crowd immediately before, when it was suggested that the attack should be made. I cannot repeat any expression which he used. Isaiah Stewart was in the same crowd. He was at the outside, and seemed to be doing nothing, but looking on. He was rather at the outskirts of the crowd. I did not see him at the time the crowd moved. I do not recollect the time the crowd moved. I do not recollect seeing him move. A young man of the name of Hines, was there, and he was very active. He is not in custody. I do not recollect seeing Wm. Garner there. I do not know him. I do not identify George Joinson. I do not recollect Charles Hurdle, or Robert Slatford, or Wm. Jones, or David Lewis, or Charles Spencer, or Vanloman Johnson. I saw George G. Wilson, after the marines came up. I did not see Wm. B. Wilson, until after the marines came. I did not see Michael Hoover. If I saw them, I do not recollect. I think if I had seen them, I should recollect. I think if I had seen them, I should recollect. I returned with the Mayor in a berouche, and with the Captain of the Auxiliary Guard, Mr. Mills. At that time I do not think there was any voting going on. The judges were not there. There seemed to be a great commotion in the street. The Tax-Clerk and his father, came out to the Mayor, in the street. Mayor, in the street.

Mr. BRADLEY objected to any conversation

The WITNESS. Captain Mills was directed to

get out of the barouche and remain there, and the Mayor and myself went to the Navy Department Mayor and myself went to the Navy Department. The Mayor did not state at that time what we were going to the Navy Department for. He had stated previous to that his intention to go to the Navy Department, when the Tax clerk and his father were talking with him. I returned to the City Heil with the Mayor. I went back to the polls a little in advance of the Marines. When I got up to the polls they were about closing the win dows. They were putting up the shutters to the window through which they received the votes. The judges inside were directing some persons outside how to put the shutters up. I went up, shoved in my arm to put in my vote, and it was taken. It seems that they were putting up the shutters or my arm to put in my vote, and it was taken. It seems that they were putting up the shutters on the wrong side, or I should not have got my ticket in. There was a very great excitement outside of the window, and a very great clamor, by persons who were present, ab ut closing the polls. There was a cry of "Ulose the polls! close the polls!" and it was done. The Marines were then about half way between H and I streets, on the West side of Seventh street, coming up on the sidewalk. side of Seventh street, coming up on the sidewalk. I street is the street immediately below the polls. When they came up to the corner hey wheeled to the right, crossed over Seventh street, and When they came up to the corner they wheeled to the right, crossed over Seventh street, and went into I street. The left rested on the corner of Seventh and I streets. I went down to I street and, probably about midway of the street, I met the Mayor, and informed him that the polls were closed. I was going towards the Marines, and met him coming towards me. I informed him that the polls were closed; he inquired who closed them; William B. Wilson about that the polls were closed them; The same and the induced ments of the parties to the right. That is the first ground on which I offers it. The same of the ground on which I offers it. The same of the ground on which I offers it. closed them; William B. Wilson about that time came up, and said he was one of those who had them closed, and that they should not be opened the court and jury. I do not mean to make an issue on that point with my friends.

A riot is an assemblige of three or more persons engaged by concert in some enterprise which results in a disturbance of the public peace. That is a question of law, and it will be your duty to try the facts of this case according to law, under the direction of the Court. The there there was a rict or not, I shall not undertake to contend; I have only to ask you, on behalf of my client, to judge his case uninfluenced by the dread calamity which was brought upon our city, as I shall be able to show you that he was not there a guilty puticipant. I ask you in the name of justice to forget the surroundings of that transaction, and to disregard the views which other gentlemen. made by strangers.

DISTRICT ATTORNEY. Were they made by the facts of this case according to law, made the was one of those who had the polis closed. He said, "I say they shall not be opened." He was one of those who had had the polis closed. He said, "I say they shall not be opened." He was one of those who had had the polis closed. He said, "I say they shall not be opened." He was one of those who had had the polis closed. He said, "I say they shall not be opened." He was one of those who had the polis closed. He said, "I say they shall not be opened." He was on one side of the Mayor and I they winch was obstructed to stand up and justify it for a momental part which is proposition of any out that he was not there by lawful authority, no many it was not there by lawful authority, no many they always and there is an authority when they returned. They were there in the climate to write the said of the way on the they were the places. He was not there by lawful authority, no many the was not there by lawful authority, no many they always and there is an authority when the ferred and the was not there be propriety of calling them ont, tort merely that they were the them that will stand up and if they will come about the calling of them ont, or the limit and that they were the in the form of the calling of them ont, or the limit and that they were the in the form of the calling of them ont, or the limit and that they were the in the form of the calling of them ont, or the limit and that they were the different case.

MITNESS. They came and if they will cover and if they will the said authority, no many they are the right to meet, they were there, and that will then you although the city and the was not there by lawful authority, no many they are the right to meet, they were there, and they are the will the will stand up and therefor I repeat that until the distinction of the court. With the ferrit case.

MITNESS. They came no of the Court. With the ferrit and the was not there to was into the reformance in the fil threw it, but I do not know whose it was. The "Drive them off!" I do not recognize here any person who threw it, seemed to be in the outer of the parties who participated in those cries. only of the dense crowd that were around me. A. The Mayor turned round and faced the crowd, few minutes after that, I heard a number of voices and attempted to make an address to them. They along them remark, "Let's go loto them; we have drowned his voice. Some cried, "Hear him," and others said, "He shall not speak." It was imposwitness. No, sir, I cannot identify any of Probably in a minute or two-I do not think it the voices. There were other remarks in the same | was more-I saw a man of the name of Merrill connection, such as " Look at them, they have bair having the Mayor by the arm. He is a patent agent on Seventh street; I supposed he was in friendly conversation with the Mayor. The Mayor turned and went with him up to where the canno was placed, and I went on after him. I did not see the cannon come on the ground. There was a very dense crowd around the gun. I noticed Mr. Richard Wallach apparently addressing them; I could not hear anything he said, but from his actions and manner, I supposed he was persuading them to take the appropriate to the said of the said them to take the cannon away. I could not hear him, though I was as near to him as I am now to Mr. Key, [across the table from the witness stand.] The Mayor attempted to address them, but it was impossible to hear what he said. Mr. Carlislo came up, as it were, out of the crowd, and remarked, "The sooner you have that gun taken, the better." The Mayor and Mr. Carlisle started obliquely across the street to the head of the The Marines had in the mean come up and balted opposite the gun. The Mayor and Mr. Carlisle went to the head of the line. I said to somebody, we had better move, for there is going to be something done pretty soon. That person went towards the left of the line. I was about Seventh street and the corner when I saw stones thrown towards the Marines from the sheds where the cumon was. The cannon, as near as I can recollect, was a little south of the corner of the Market house. There is an opening where vegetables are sold, and the cannon was near the vegetable sheds, on the footway, pointing down

wenth street.
Mr. LINTON. What time was this? WITNESS. About half-past one o'clock. The stones came from the cannon; there was a arge crowd there; there were some stones came over from those shods towards the Marines, land-ing towards their feet. Just at that time a file of Marines charged at quick step, and as they came near the camon several pistol shots came from the sheds. As the Marines were crossing the street there were five or six pistols fired from the crowd about the sheds. Up to that time I had not seen attack partially pulled down the planking about but from the report I took them to be pistols; the windows; the rest was standing. They were they did not proceed from the military to my DISTRICT ATTORNEY. You say they made ton of the Marines that crossed the street; one of the Marines was wounded; I saw him in the amage was done? not tell at that time who was beating them. I pisces; I noticed the blood; that was before the have seen some of them since, who have told me. Marines fired; he was in that portion that reof voters dispersed. line, When the first portion of the Marines DISTRICT ATTORNEY. Can you identify any fired, some of them fired high over the sheds;

Shiley was another. These two are not in custo- the crowd. The firing caused a general scatter-dy. Wm. Hurdle was there. Dan Stewart was ing, some running up street and some down:

and I will hang every one of you. Now, sir, be-fore the military can be called out here justifiably, they must show the necessity. If the civil authority here was advised of impending danger, and this we propose to show by Mr. Goddard, a Police intent to disturb the public peace, and the fact was known to Mr. Goddard, that he apprehended a disturbance, and on the approach of these men

DISTRICT ATTORNEY. He has stated seven or eight.

Mr. BRADLEY. I want to know the exact number. Eight at that Ward was an excess of the usual police officers. If I show that he was aware of danger, and immediately despatched information of that fact to the Mayor, I take it that it is evidence to show—what? That the police officers were fully advised, and had the opportunity to resort to proper means to preserve the peace. In that aspect of the case, this is clearly admissible. Why, if the Court please, suppose a man is indicated for an assault and battery upon another, and the defendent says, I went there to take that the prosecutor says, I went there to take the effect of the case, this is clearly admissible whole scheme was projected by the authorities of this city. We say it was the act of the Executive; it was designed that the riots should occur, and it was brought about by their act, that the Marines might be brought out. That being our defence, that one of the civil magistrates of the case is washington, and will the Court rule out such teasimony? Certainly rot, for that is evidence for the case, man will the Court rule out such teasimony? Certainly rot, for that is evidence for the case, man will the Court rule out such teasimony? Certainly rot, for that is evidence for the case, man will the Court rule out such teasimony? Certainly rot, for that is evidence for the residue to resist ilegal authority, this evidence must be admissible. Why, if the Court please, suppose a man is indicated for an assault and battery upon and the defendent says, I went there to take the prosecutor says, I went there to take the prosecutor was no disburbance of the case, this is clearly admissible. Why, if the Court please, suppose a man is indicated for an assault and battery upon castle; the prosecutor says, I went there to take the prosecutor of the case, that the prosecutor says, I went there to take the prosecutor of the case, that the man will the court rule out the man will the Court rule out the clear that the right city knew that those men were in Washington, and that he had apprehended that they would come, and at what period of time that information

on the camon several pistol shore some from the sheets. As the Marines were cosming the street the sheets. As the Marines were cosming the street the sheets. As the Marines were cosming the street the sheets. As the Marines were cosming the street the sheets. District ATTORNY. The Court is award there were the covered to be the covered to be the sheet that we are suggested in the train of the court of the Marines and the train of the sheets. The maskeds there would be choosing, and I did not next to be between the charge there is brought down their marks to be between two streets. The maskeds of the charging party were throught down. The party that fired. The party what the goal was not be the street of the sheets of the vas communicated, is material. DISTRICT ATTORNEY. The Court is aware

that anything to do with the guilt or innocence o

the served. The foliog caused 4, general locations that armything to do with the golden's interesting, nouter reading on process one could not support the control of the served process, more up and some diverse that the served process of the served process. The served process of the se

not think mucli—and a strong power comes up and expels them from the polls, cannot they, and cannot I, resist? And if a military power is brought out to control the election ostensibly, and I resist the military authority, cannot I show that it was

MR BRADLEY, Yes.

different case.

Mr. BRADLEY. Suppose a political meeting were being held in front of this Court House, and the Mayor should come out and say "If you do not disperse, I will order the Mayines to fire on you."

that principle at the foundation of this enquiry?
And if I can show that the civil authority was advised of impending danger, and that they made no effort to prevent a breach of the peace, but let it go on, and when it burst upon them, they resort to it up, there is not a court in christondom that will on, and when it burst upon them, they respect to the propose to show by Mr. Goddard, a Police Magistrate, every fact which goes to show beforehand, the intention to disturb the peace is evidence to show, that being prepared, they should have resorted to the ordinary means. If, then, I can show, that at that time it was known to Mr. Goddard, that being a proper disposition of the police force which was twice the number of these men, they would have borne a hand in it; for they had shot those men, they would have done right; it was the duty of the civil authority to do so)—if, then, I say, we can show the fact, that a handful of men came to the city of Washington, with the intent to disturb the public peace, and the fact that they had shot those men, they would have borne a handful of men came to the city of Washington, with the intent to disturb the public peace, and the fact was known to Mr. Goddard, that he apprehended proper place to spelly to for them—and we know that Navy Department—we know that that is the proper place to apply to for them—and we know that they were alterwards on the ground. Are we then to shut out from the proof in this case that a disturbance, and on the approach of these men he sent to the Mayor, giving notice that they were there, and that he apprehended a breach of the peace, it is competent evidence. I am going a step forward, and shell ask him how many police officers were stationed at that polling place at that time.

DISTRICT ATTORNEY. He has stated seven the sent to shut out from the proof in this case that to preserve the peace by the civil authorities are properly called out, and the civil officers are with them, we are to lick the dust and bow before them; that we are to forget that we have a found to probable cause; I am to take the first step to preserve the commission of the crime. We are to prevent the commission of the crime. We are to prevent the commission of the crime. We are to prevent the commission of the crime. ave American hearts.

We must also forget that no man has the right

We must also forget that no man has the right

To tainly not, for that is evidence for the consideration.

A DRUNKARD.—On Monday morning between the hours of seven and eight o'clock, we observed a man lying on the pavement near the corner of Seventh street and the canal. He lay prone upon his back, his upturned face almost entirely covered by a swarm of nasty, green colored flies, which swarmed around the Lving, as we have seen them